



Fall/Winter 2009

Maryland



Nutrient Management News

MARYLAND DEPARTMENT OF AGRICULTURE NUTRIENT MANAGEMENT PROGRAM

SECRETARY'S MESSAGE



Maryland farmers are making notable progress in managing nutrients and protecting water quality in the Chesapeake Bay and its tributaries. Ninety-nine percent of our farmers have submitted their Annual Implementation Reports and are now in compliance with Maryland's nutrient management requirements. In addition, 69 percent of roughly 400 farmers who were randomly selected for implementation audits passed their inspections and I have every reason to believe that figure will continue to grow in upcoming years as farmers become more familiar with program requirements

continued on page 5



REPORTING FORMS IN THE MAIL

It's that time of year again. Annual Implementation Reports (AIRs) describing how farmers carried out their nutrient management plans during the 2009 calendar year are due to MDA by March 1, 2010. These reports are required by Maryland law. Farmers who fail to submit them on time face enforcement actions, including fines and loss of state cost-share funds for conservation projects.

As part of this year's AIR process, MDA will be verifying account ID information related to farmers' nutrient management plans. The account ID is the 10-18 digit number assigned by the Department of Assessments and Taxation to each parcel of land in the state. MDA will be providing operators with a list of all account IDs currently on record for each operation along with the address for each parcel. We will be asking farmers to update and verify this list by adding any additional

continued on page 4

NUTRIENT MANAGEMENT PLANS SHOULD LOOK TO THE FUTURE

A nutrient management plan is a farmer's road map to providing crop nutrients at the right time in the growing season and in the correct amounts. Farm operators are required to have a current nutrient management plan in place before any nutrient applications are made.

Winter is the best time for farmers to modify or update their plans since this is generally the "slow season." However, due to fluctuating markets, it is not always possible for

continued on page 2



ENFORCEMENT UPDATE

Annual Implementation Report Submissions

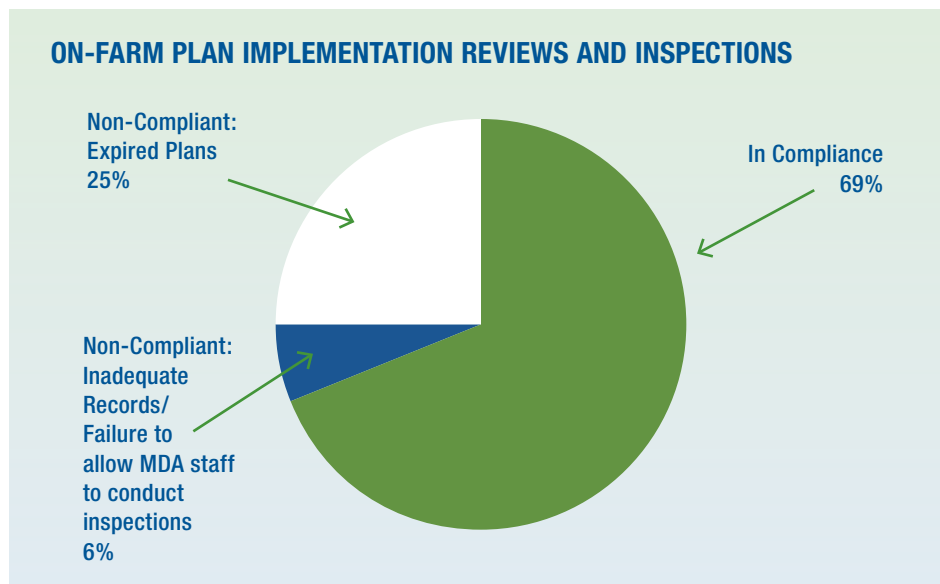
As a result of improved educational efforts and persistent enforcement by MDA, approximately 99 percent of the state's 5,800 eligible farmers have filed their 2008 Annual Implementation Reports (AIRs) with MDA according to the latest compliance tracking. The reports were due by March 1 of this year. As of October 31, 2009, approximately 60 operators remained out of compliance. These operators are required to submit their AIRs and pay penalties for filing their reports late. More than one-third of these non-compliant operators have submitted partial reports to MDA, with the remainder in arrears on both their AIRs and fines.

Nutrient Management Plan Submissions

Following ramped up enforcement efforts, nutrient management plans have been submitted for more than 99 percent of the state's eligible farms. MDA continues to pursue enforcement actions against the remaining 27 operators who have failed to submit their first nutrient management plans.

On-Farm Implementation Reviews and Inspections

In order to ensure that plans are current and being implemented properly, MDA has conducted approximately 400 on-farm implementation reviews and inspections since January. While the vast majority of these inspections are random, some target farmers who are late in submitting their AIRs, have repeat violations or have a history of compliance issues. Approximately 69 percent of those inspected were fully in compliance, 25 percent were found to be out of compliance due to expired plans and six percent failed their inspections due to inadequate records or failure to allow MDA staff to conduct inspections. MDA is working to bring these farmers into compliance.



Reviews of Plans Written by Certified Consultants

MDA conducts periodic reviews and field inspections to ensure the quality of plans written by the consultants that it certifies. From January through October of this year, MDA conducted 300 field inspections while evaluating 250 plans written for MDA-cost share projects to make certain they met regulatory standards. Overall, approximately 90 percent of the consultants inspected passed their reviews. MDA continues to work with consultants to improve the quality of the plans they prepare for farmers.

Nutrient Management Plans continued from page 1

farmers to know what they will be growing in a given field five or six months down the road. Some farmers may even be considering alternative nutrient sources such as animal manure or sewage sludge. In these instances, ask the consultant to prepare alternative recommendations for possible field, crop and nutrient combinations.

Remember, as the planting season nears and every request becomes "urgent," consultants often become too busy to take on extra work. Now is the time for farmers to do the necessary groundwork—get the soil tested, have manure samples analyzed and collect records from the previous year—in order to go to the head of the line and beat the spring rush for nutrient management plans.

URBAN NUTRIENT MANAGEMENT UPDATE

Between May 15 and October 15, 2009, the Urban Nutrient Management Program reviewed the fertilizer records of approximately 30 turf maintenance firms and golf courses to determine program compliance. Following these inspections, MDA issued seven warning letters advising these urban applicators to correct their shortcomings within a specified period of time or face fines. The most common compliance issue was failure to take soil tests.

Urban nutrient applicators, including commercial lawn care companies, landscapers, golf course managers and public groundskeepers are required by Maryland law to follow University of Maryland Extension guidelines when applying nutrients to lawns, athletic fields or other landscapes. They are also required to take soil tests and keep records of fertilizer applications. MDA is authorized to issue fines of up to \$10,000 to applicators who fail to comply with program requirements.

HOW TO SURVIVE AN IMPLEMENTATION REVIEW

Q. *What is an Implementation Review?*

A. An implementation review is a meeting between the farmer and an MDA nutrient management specialist. Its purpose is to determine whether the farmer has been following his/her nutrient management plan and to assure that the plan is current and complete. During the review, the MDA specialist will compare nutrient recommendations outlined in the plan to nutrient application records and fertilizer receipts.

Q. *How are farmers selected for a review?*

A. Most operations are selected randomly for evaluation from the Nutrient Management Program's database. Other inspections target farmers who submitted their AIRs late, operations with a history of compliance problems or certain high risk animal operations and farms that use manure, imported organic wastes or sludge.

Q. *How are farmers notified of a review?*

A. The farmer is notified by mail or telephone a minimum of 48 hours before a scheduled review. If the date and time are not acceptable, the farmer must contact the nutrient management specialist who sent the letter to reschedule.

Q. *What records will the MDA specialist ask to see?*

A. The following records will be required:

- The farm's most recent nutrient management plan
- Current soil test results for each field; test results must be less than three years old
- A manure analysis that is no more than one year old
- Nutrient type and analysis for each field
- Nutrient application, timing and method for each field
- Receipts for purchased nutrients
- Yield information for the last five years for each field or management unit
- Nutrient applicator voucher number, if applicable

Q. *What happens if deficiencies are found during the Implementation Review?*

A. The MDA specialist will provide an outline of the areas covered by the review and an explanation of any deficiencies. Farmers are given a prescribed amount of time to correct the deficiency.

Q. *What happens if a warning is issued?*

A. If the deficiency is severe, the farmer may be issued a warning at the review that will include a time frame for correcting the deficiency. If the deficiency is not corrected within the time frame established, the enforcement process advances through these levels:

- A formal *Notice of Agency Action* is sent by first-class mail

and certified mail. Farmers have 15 days to respond to this letter.

- If 15 days pass with no resolution, a *Notice of Default* is sent by first-class mail and certified mail advising farmers that they have 15 days to correct the violation.
- If 15 days pass with no resolution, a *Default Decision and Order* is sent by first-class mail and certified mail. The farmer is charged a \$350 penalty and required to correct the violation within 30 days.
- If 30 days elapse without resolution, a *Fine Letter* is sent by first-class mail advising the farmer that he/she has 10 days to pay the penalty before it is sent to the Department of Budget and Management's Central Collections Unit (CCU). Once the debt is sent to the CCU, the farmer will be assessed the \$350 penalty plus an additional 17 percent collection fee, bringing the total charge to \$410.

Q. *How do enforcement actions affect farming operations?*

A. Farmers involved in enforcement actions are ineligible to participate in state programs, including the Maryland Agricultural Water Quality Cost-Share (MACS) Program. In addition, the outstanding debt may affect credit ratings. If the original violation remains uncorrected, farmers may be fined an additional \$100 per day, up to \$2,000 per year.



NEW MAFO/CAFO PERMIT IN EFFECT

On December 1, 2009, the Maryland Department of the Environment (MDE) began issuing its general discharge permit for Maryland Animal Feeding Operations (MAFOs) and Concentrated Animal Feeding Operations (CAFOs). The permit requires the state's largest animal operations to install additional measures to control nutrient discharges in order to further protect the Chesapeake Bay and its tributaries.

A legal challenge delayed the permit since January. Since then, the Office of Administrative Hearings ruled in favor of upholding the permit. An additional appeal has been filed; however, it has not halted implementation of the permit.

Last year, EPA toughened its environmental guidelines and revised its definition of surface water discharges for animal feeding operations, resulting in a significantly higher number of large Maryland operations being defined as CAFOs. Nearly 500 Maryland farmers filed Notices of Intent to comply with CAFO permit requirements by a February 27, 2009, deadline. MDE recently mailed interim agreements to farmers who filed. They are due back to MDE by January 4, 2010.

Soil conservation districts statewide stand ready to provide farmers with technical and financial assistance to install conservation practices called for by the new standards. A fact sheet and checklist on permit requirements is available from MDE at: www.mde.maryland.gov/assets/document/MDE_CAFO_MAFO_Checklist_102809.pdf

Reporting Forms continued from page 1

account IDs that may be part of their plan or deleting those no longer part of their farm operation.

AIR forms will be mailed to all operators between December 20, 2009 and January 15, 2010. Additional forms may be downloaded from MDA's web site at www.mda.state.md.us. The AIR comes with a detailed instruction page. Farmers should contact their consultant or regional nutrient management office (listed on the back of this newsletter) with questions or concerns.

COMPLETING THE AIR FORM

Sections A through C: This information is included on nutrient management plans covering the period from January 1 through December 2009. All nutrient management plans developed for animal operations are required to contain manure generation estimates. To determine how much manure is produced (Section B), look for the section of the plan labeled "manure generation." The quantity of excess manure should also be determined, if applicable. If this information cannot be found, contact the consultant who prepared the plan.

The more familiar farmers are with their plans, the easier it will be to complete the AIR. Remember: to remain in compliance with the Nutrient Management Program, farmers need to submit the AIR to MDA by March 1, 2010 and have a current nutrient management plan for implementation in 2010. Enforcement procedures for all aspects of the Nutrient Management Program are now in full swing. Getting the required paperwork in order will make possible spot checks go more quickly and reduce the chance that a follow-up visit will be necessary.

COMING SOON: ELECTRONIC REPORTING

MDA, in cooperation with the University of Maryland, is developing a secure, easy-to-use, fillable PDF version of the 2009 Annual Implementation Report (AIR). This new reporting option is in addition to the online NuMan Reporter that debuted in 2009. The fillable PDF form will allow farmers to enter their information online and submit the form electronically. MDA hopes to have the electronic reporting form available on its website shortly. Stay tuned. In the meantime, hard copies of the reporting forms will be mailed to farmers and made available at regional nutrient management offices. Farmers may continue to download printable versions of the AIR at www.mda.state.md.us.

AIR



Maryland Department of Agriculture
NUTRIENT MANAGEMENT
ANNUAL IMPLEMENTATION
For Calendar Year 2009, Due March 1, 2010

Part A: Farmer/Operator Information (Please print.)

Name (First) _____ (Last) _____
Business Name _____
Mailing Address _____
City _____ State _____ Zip _____
County _____ (where the majority of farm operation is located)

Part B: Farm/Operation Information

Operation Type ☐ Crop Production ☐ Nursery/Greenhouse ☐ Organic
Nutrient Sources (Check all that apply) ☐ Commercial Fertilizers ☐ Biosolids
Animal Type & Number Dairy _____ Beef _____ Horse _____ Poultry _____
Other: Type _____ Number _____
Manure Information
Excess Manure Manure Quantity Generated/Year _____ Tons _____
Manure Imported ☐ Yes ☐ No Quantity/Year _____ Tons _____
Manure Storage Type _____ Quantity/Year _____ Tons _____
Total Acres Farmed ☐ Yes ☐ No _____

*Secretary's Message continued
from page 1*

and more efficient at managing nutrients.

MDA continues to pursue enforcement actions against 27 operators who have failed to submit their first nutrient management plans and 59 operators who have not submitted their Annual Implementation Reports. While we do not enjoy issuing penalties and fines, it is our responsibility as a regulatory agency to see that the law is followed.

I want to re-emphasize the important three-step process that farmers need to follow in order to comply with the nutrient management law and avoid enforcement actions.

- Operate your farms using an up-to-date nutrient management plan and follow nutrient recommendations.
- Keep records of nutrient applications and save receipts from fertilizer purchases. These documents will be required if your farm is selected for a compliance inspection.
- File your Annual Implementation Reports by the March 1 deadline.

The importance of agricultural nutrient management to the Chesapeake Bay restoration effort is significant. Earlier this year, Governor Martin O'Malley announced a series of 27 ambitious two-year actions or milestones aimed

at speeding up Maryland's efforts to reduce nutrients and sediment entering the Bay and bolster accountability to the public. Seventeen of the 27 milestones have been assigned to agriculture and focus on increasing the use of certain highly valued best management practices (BMPs) by farmers including cover crops, poultry and livestock waste management systems, heavy use areas, manure incorporation and streamside protection measures. Increased enforcement of nutrient management plans is also on the list.

After several delays, the Maryland Department of the Environment (MDE) has begun issuing its general discharge permit for Maryland Animal Feeding Operations (MAFOs) and Concentrated Animal Feeding Operations (CAFOs). This will allow farmers to move forward with Comprehensive Nutrient Management Plans to assure that they meet MDE standards. MDA is working closely with MDE to ensure that the permit is as manageable and affordable for poultry and livestock farmers as possible, while safeguarding water quality. Federal standards currently under development for new CAFOs involve new setback requirements for poultry houses, storage sheds and composters, and the use of certain BMPs to address runoff from production and waste handling areas.

MDA is committed to helping farmers install the BMPs called for in their nutrient management plans and by the Bay milestone goals. Fortunately, the newly revitalized Conservation Reserve Enhancement Program (CREP) is now available to help farmers plant streamside buffers, protect highly erodible land and create wetlands to protect local streams. In addition, the Maryland Agricultural Water Quality Cost-Share (MACS) Program is now cost-sharing poultry house pads and water control structures that will further help Maryland farmers implement their nutrient management plans. As always, we are here to assist you.


Earl Hance, Secretary

TRAINING & CERTIFICATION PROGRAMS

Farmer Certification

Farmers can avoid the expense of having someone else write their nutrient management plans by becoming certified by MDA to write their own plans. The Farmer Training and Certification Program consists of about 11 hours of classroom lecture and practice in writing plans. Using the NuMan Pro software program, farmers develop their own plans with guidance from the University of Maryland and MDA staff. Farmers who pass a short exam and receive a favorable review of their plan by MDA are certified. Seating is limited, so interested farmers should enroll right away. Additional sessions may be scheduled if interest is high. To begin the process, visit www.mda.state.md.us and follow the Nutrient Management links to the training classes. Contact MDA at 410-841-5959 or WebsteME@mda.state.md.us to register. Farmers may also register by contacting their local Extension office or visiting <http://anmp.umd.edu/FTC/FTC.html>.

■ Training: January 19, 2010

Exam: February 1, 2010

Both days required

Crop operations that use poultry litter and commercial fertilizer

Location: University of Maryland

Extension—Wicomico County Office

■ Training: February 8, 2010

Exam: February 22, 2010

Both days required

Crop operations that use manure and commercial fertilizer

Location: Charlotte Hall Library,

St. Mary's County

Applicator Voucher Training

University of Maryland Extension offers free voucher training and renewal courses to farm operators who apply nutrients to 10 or more acres of cropland. The two-hour nutrient applicator training course is required once every three years for these operators. Operators in other counties who need to obtain a voucher or renew their voucher should contact their local Extension office for training schedules and locations.

■ Anne Arundel County: February 10,

2010; March 22, 2010; or

April 9, 2010 / Call 410-222-6757

■ Caroline County: January 21, 2010

Call 410-479-4030

■ Carroll County: January 21, 2010 or

March 4, 2010 / Call 410-386-2760

■ Dorchester County:

February 11, 2010 / Call 410-228-8800

■ Queen Anne's County:

March 5, 2010 / Call 410-758-0166

■ Washington County

March 25, 2010 / Call 301-791-1304



**Maryland Department of Agriculture
Office of Resource Conservation
Nutrient Management Program
50 Harry S. Truman Parkway
Annapolis, MD 21401**

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Earl F. Hance
Secretary



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Maryland Department of Agriculture Nutrient Management Offices

Region 1: Allegany, Garrett and Washington counties
3 Pershing Street, Room 100
Cumberland, MD 21502
301-722-9193

Region 2: Carroll, Frederick, Howard and Montgomery counties
92 Thomas Johnson Drive, Suite 110
Frederick, MD 21702
301-694-9290, ext. 136 or 137

Region 3: Anne Arundel, Calvert, Charles, Prince George's and St. Mary's counties
50 Harry S. Truman Parkway
Annapolis, MD 21401
410-841-5934 or 410-841-5949

Region 4: Baltimore, Cecil, Harford and Kent counties
19 Newport Drive, Suite 106
Forest Hill, MD 21050
410-838-6181, ext. 118

Region 5: Caroline, Dorchester, Queen Anne's and Talbot counties
317 Carter Avenue, Suite 100
Denton, MD 21629
410-479-4929 or 410-479-4905

Region 6: Somerset, Wicomico and Worcester counties
27722 Nanticoke Road, Unit #2
Salisbury, MD 21801
410-677-0802, ext. 4

Nutrient Management Notes

REGS ON THE WEB

Get the latest on Nutrient Management regulations and training opportunities by visiting: www.mda.state.md.us/resource_conservation/nutrient_management/

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Maryland Nutrient Management News is published by the Maryland Nutrient Management Program. It is designed to help farmers comply with Maryland's Nutrient Management Law and to assist certified consultants in the professional delivery of services to the agricultural community. Comments and suggestions should be directed to the Maryland Nutrient Management Program, Maryland Department of Agriculture, 410-841-5959.



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